

REC'D 8/11/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Humphries Parkes) Examiner: Nave
)
Serial No.: 09/392,925) Art Unit: 1754
)
Filed: September 9, 1999)
)
For: **METHOD AND APPARATUS**)
FOR ROCKET MOTOR DISPOSAL)
Docket No. JHP-10-5377

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BOARD OF PATENT APPEALS
AND INTERFERENCES

SUPPLEMENTAL APPEAL BRIEF

Board of Patent Appeals
Assistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

This Brief is supplemental to the **APPEAL BRIEF** filed August 3, 2001.

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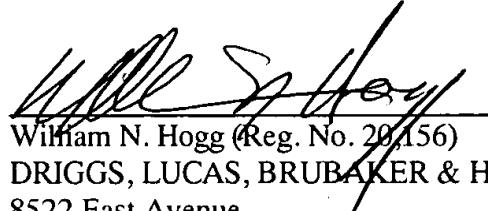
TC 1700 MAIL ROOM

In the **ISSUES** statement in the **APPEAL BRIEF**, found on page 4 thereof, **Issue No. 4** states "Are claims 1, 3, 5-8, 21-23 unpatentable under 35 U.S.C. 103(a) over the Russian patent in view of British Patent?" This issue inadvertently omitted the fact that the Russian patent referred to in this issue is not the same Russian patent referred to in Issues 2 and 3, i.e., Russian Patent RU 2021560 C1, but rather Russian Patent RU 2045675 C1. However, the Russian patent, hereinafter the '675' Russian patent referred to in Issue 4, and discussed therein in the **ARGUMENT** in the **BRIEF**, teaches essentially the same technique for disposing of rocket motors as the Russian Patent RU 2021560 C1, i.e., there is a housing in which the rocket motor is disposed and the housing has liquid coolant provided therein with the liquid coolant being greater than the free volume of the housing. Thus, exactly the same arguments apply with respect to this Russian Patent RU 2045675 C1 as to the Russian Patent No. RU 2021560 C1.

The undersigned attorney regrets this omission to define the Russian patent, however, the omission does not change the arguments with respect to this rejection.

Respectfully submitted,

Date: 8/6/01


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CERTIFICATE OF MAILING

I hereby certify that this Transmittal is being deposited with the U.S. Postal Service, with sufficient postage, in an envelope addressed to the Board of Patent Appeals, Washington, D.C. 20231, on this 6th day of AUGUST, 2001.

Kathleen Kent

Kathleen Kent

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TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF

Dear Sir:

1. Transmitted herewith in triplicate is a SUPPLEMENTAL APPEAL BRIEF in this application with respect to the Notice of Appeal filed on June 4, 2001.

Note: "The applicant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate." 37 CFR 1.192(a) [emphasis added].

2. STATUS OF APPLICATION

This application is on behalf of

other than a small entity
 small entity

Verified statement:

attached
 already filed

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3. FEE FOR FILING SUPPLEMENTAL APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

small entity \$ 0.00
other than small entity \$ 0.00

Appeal Brief fee due: \$0.00

4. EXTENSION OF TERM

Note: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of § 1.136 for patent application. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 27 CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

	Extension Months	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$380.00	\$190.00
<input type="checkbox"/>	three months	\$870.00	\$435.00
<input type="checkbox"/>	four months	\$1,360.00	\$925.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. **TOTAL FEE DUE**

The total fee due is:

Appeal Brief fee \$ 0.00 (fee mailed with Appeal Brief 8/3/2001)
Extension fee (if any) \$ 0.00

TOTAL FEE DUE: \$ 0.00 (fee mailed with Appeal Brief 8/3/2001)

6. **FEE PAYMENT**

Attached is a check in the sum of \$ _____
 Charge Account No. 500645 in the sum of _____. A duplicate of this transmittal is attached.

7. **FEE DEFICIENCY**

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

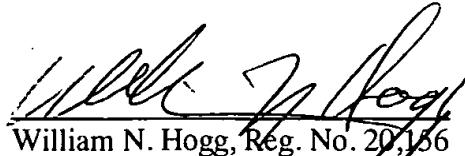
If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 500645.

AND/OR

If any additional fee for claims is required, charge Account No. 500645.

Respectfully submitted,

Date: 8-6-01



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Attachments